THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24231 OF 2005

Dt.21.11.2005

Between:

Macharla Venkatesu

… Petitioner

And

The Mandal Revenue Officer, Aswaraopet,

Revenue Mandal, Khammam District and

2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing on behalf of the respondents.

The petitioner submits that the petitioner and his family members are the absolute owners and possessors of the joint family property to an extent of Ac.15.00 situated in Sy.Nos.947, 948 and 949 of Aswaraopeta Village wherein cashew nut crop has been grown. It is stated that the said property was assigned by the Government to them in the year 1976. Now the said cashew nut crop is ready for harvest. But, some Scheduled Tribe people encouraged by one Punnam Kannaiah and others are trying to take away the said crop by using physical force and trying to obstruct the petitioner and his

family members from harvesting the said crop.

I am not inclined to express any opinion whether the petitioner and his family members are assignees and owners of the said property or not. It is for the Mandal Revenue Officer to consider and take appropriate action whether the petitioners are lessees and the said assignment has not been cancelled or revoked. It is stated that though a representation has been filed before the 2nd respondent on 30.10.2005 followed by another representation before the first respondent on 31.10.2005, none of the respondents have taken any action on the said representations. Whenever, a report is filed before the police, it is for the concerned officer in charge of the police station to take a decision whether to register F.I.R. and investigate the same if any cognizable offence is said to have been committed or else it is open for him to lodge the said complaint stating that no action needs to be taken. It is also necessary for the first respondent to take a decision whether the said lands are assigned to the petitioner and whether the lease is subsisting and whether lease is also granted in favour of some Scheduled Tribe people.

Having regard to the facts and circumstances of the case, respondents 1 and 2 are directed to consider and dispose of the said representations dated 30.10.2005 and 31.10.2005 respectively in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

(V.ESWARAIAH, J.)

21.11.2005

Note: Issue copy within two days.

B.O.

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